92

(2)

No. 07-1279

FILED
MAY 12 2008
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

# Supreme Court of the United States

MIRIAM CURNIN, *et vir.*,

*Petitioners,*

*v.*

TOWN OF EGREMONT, MASSACHUSETTS, *et al.*,

*Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

## BRIEF IN OPPOSITION

NANCY FRANKEL PELLETIER
*Counsel of Record*
DAVID S. LAWLESS
ROBINSON DONOVAN, P.C.
1500 Main Street
Suite 1600
Springfield, MA 01115-5609
(413) 732-2301

*Attorneys for Respondents*

215805

COUNSEL PRESS
(800) 274-3321 • (800) 359-6859

## QUESTION PRESENTED

Did the lower courts err in holding that petitioners failed to establish a likelihood of success on the merits on their claim to an entitlement to an audience for their views at annual and special sessions of the Egremont Town Meeting, a duly constituted legislative body, based on petitioners' status as part-time residents and property owners who are not registered to vote in the Town of Egremont and are, therefore, not legislators?

## TABLE OF CONTENTS


| | Page |
|---|---|
| Question Presented | i |
| Table of Contents | ii |
| Table of Cited Authorities | iv |
| Introduction | 1 |
| Statement of the Case | 1 |
| A. Lower Court Proceedings. | 1 |
| B. The Petition Omits Significant Facts. | 2 |
| Reasons for Denying the Petition | 5 |
| I. This Court Lacks Jurisdiction Over This Matter Because Petitioners Have Not Appealed The Entry Of Judgment In Favor Of Respondents. | 5 |
| II. Petitioners Lack Standing. | 6 |
| III. This Proceeding Does Not Raise A Novel Question Or One Of "Exceptional" Constitutional Importance. | 6 |
| A. Petitioners Position is in Conflict with Settled Law, which the Court Below Properly Applied. | 6 |

*Contents*

*Page*

B. The Doctrine of Absolute Legislative Immunity Bars the Imposition of the Relief Sought. ..... 8

IV. Petitioners Mischaracterize The Decision Below, Seek To Create A Conflict Amongst The Circuits Where None Exists, And Misstate, As A Matter Of Law, The Nature And Extent Of A Moderator's Discretion. ..... 9

V. The Court Of Appeals Decision Is Consonant With This Court's Precedent And Decisions Of Other Courts Of Appeals - Forum Analysis Is Inapplicable Here. ... 11

Conclusion ..... 16

## TABLE OF CITED AUTHORITIES

*Page*

**Cases:**

*Bogan v. Scott-Harris*,
523 U.S. 44 (1998) ..... 7, 8, 9

*Chaparro-Febus v. Int'l Longshoremen Assoc., Local 1575*, 983 F.2d 325 (1st Cir. 1993) ..... 5

*City of Madison Joint School Dist. No. 8 v. Wisconsin Employment Relations Comm'n.*,
429 U.S. 167 (1976) ..... 13, 14

*Durand v. IDC Bellingham, LLC*,
440 Mass. 45 (2003) ..... 8

*Eastland v. U.S. Servicemen's Fund*,
421 U.S. 491 (1975) ..... 9

*Gravel v. United States*,
408 U.S. 606 (1972) ..... 7, 8

*Harper v. Poway Unified School Dist.*,
127 S. Ct. 1484 (2007) ..... 5

*In re Opinion of the Justices*,
358 Mass. 838 (1971) ..... 7

*Karcher v. May*,
484 U.S. 72 (1987) ..... 5, 6

*Cited Authorities*

*Page*

*Kindt v. Santa Monica Rent Control Board*,
67 F.3d 266 (9th Cir. 1995) ..... 14, 15

*Lake Country Estates, Inc.*
*v. Tahoe Regional Planning Agency*,
440 U.S. 391 (1979) ..... 7

*Lujan v. Defenders of Wildlife*,
504 U.S. 555 (1992) ..... 6

*MacKeen v. Town of Canton*,
379 Mass. 514 (1980) ..... 10, 11

*Mesa v. White*,
197 F.3d 1041 (10th Cir. 1999) ..... 14, 15

*Minnesota State Board for Comm. Colleges*
*v. Knight*, 465 U.S. 271 (1984) ..... 11, 12, 13, 14

*Pacific Tel. & Tel. Co. v. Kuykendall*,
265 U.S. 196 (1924) ..... 5

*Shaffer v. Carter*,
252 U.S. 37 (1920) ..... 5

*Southern New England Conference Assoc.*
*of 7th Day Adventists v. Town of Burlington*,
21 Mass. App. Ct. 701 (1986) ..... 8

*Spallone v. United States*,
493 U.S. 265 (1990) ..... 7

*Cited Authorities*

*Page*

*Tenney v. Brandhove*,
341 U.S. 367 (1951) ..... 7, 8

*U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*,
513 U.S. 18 (1994) ..... 5, 6

*U.S. v. Munsingwear, Inc.*,
340 U.S. 36 (1950) ..... 5

**Statutes:**

M.G.L. c. 4, § 7, cl. 18B ..... 7

M.G.L. c. 39, § 15 ..... 10

M.G.L. c. 39, § 17 ..... 10

**Other Authorities:**

Supreme Court of the United States Rule 10 .. 1

## INTRODUCTION

Petitioners have presented no "compelling reasons" as to why their Petition for a Writ of Certiorari ("Petition") should be granted. *See* Sup. Ct. R. 10. Specifically, petitioners fail to demonstrate that the United States Court of Appeals for the First Circuit's Opinion of November 29, 2007 ("Opinion") affirming the district court's order denying preliminary injunctive relief is in conflict with a decision of this Court or another court of appeals or that the First Circuit decided an important federal question which has not been settled by this Court. *See* Sup. Ct. R. 10(a)-(c). The Petition should be denied.

## STATEMENT OF THE CASE

### A. Lower Court Proceedings.

Almost a year after filing their original complaint on May 2, 2006, petitioners moved for a preliminary injunction, on April 13, 2007. J.A. 5, 9.[1] The district court denied petitioners' motion for a preliminary injunction on April 25, 2007. Pet. App. at 17a-18a.[2] The petitioners appealed the denial of their motion for a preliminary injunction and the United States Court of Appeals for the First Circuit affirmed the district court's decision on November 29, 2007. *See* Pet. App. at 1a-16a.

---

1. References to "J.A." are to the appendix of record materials filed with the court of appeals.

2. References to "Pet. App." are to the appendix to the Petition.

On December 10, 2007, the district court denied petitioners' motion for summary judgment, allowed respondents' cross motion for summary judgment, and entered judgment for the respondents. Pet. App. at 22a-26a. Petitioners did not appeal the final judgment dismissing the case.

Instead, petitioners filed a petition for rehearing *en banc* with the United States Court of Appeals for the First Circuit. The court of appeals denied the petitioners' petition for rehearing *en banc* on January 9, 2008. Pet. App. at 19a-20a. On April 8, 2008, petitioners filed the instant Petition.

**B. The Petition Omits Significant Facts.**

Respondents submit that the Petition omits various facts which are significant to the resolution of this action.

On May 26, 2005, a Special Town Meeting was held at which Warrant Article 1 required the Special Town Meeting to consider whether "to have the town establish a sewer system for the Town of Egremont and to authorize the Board of Selectmen to act as sewer commissioners until such board has been elected and qualified." *See* J.A. 176. Prior to this Special Town Meeting, public forums were held on this issue at which anyone could speak. *See* J.A. 186-187. Thomas F. Curnin did not attend these meetings, although he has attended other public forums and has spoken at Select Board meetings. *See* J.A. 196-198.

At the May 26, 2005 Special Town Meeting, a vote was held to determine whether or not non-voters would

be allowed to speak at the meeting. J.A. 206-207. The Town Meeting voted to not allow non-voters to speak. J.A. 176.

According to Thomas F. Curnin, immediately after that vote a Mr. Lamme made series of motions which culminated in a motion for a vote on the warrant article. J.A. 193-194; J.A. 200-201. As a result, neither voters nor non-voters spoke on or debated the warrant article under consideration. *See* J.A. 193; Pet. App. at 6a. Warrant Article 1 was defeated by a majority hand count vote. J.A. 176.

Thomas F. Curnin never communicated to anyone prior to the May 26, 2005 Special Town Meeting that he desired or intended to speak at this Special Town Meeting. J.A. 192.

At the Annual Town Meeting held on May 2, 2006, the Egremont Town Meeting considered a proposed zoning by-law amendment. Pet. App. at 6a. A non-voter went to the microphone and stated that he was a non-voter and that he had a business in Egremont. J.A. 184. This individual was told to wait until the voters had had a chance to speak. *Id.* However, immediately following this request, "the question was called [by the voters] and the issue was voted on." *Id.*; *see* Pet. App. at 6a. Again, no one, voter or non-voter was given the opportunity to speak on the proposed zoning amendment. Pet. App. at 6a.

The Petition does not reference a town meeting the facts of which have previously been proffered as forming part of the basis for petitioners' claims. Respondents

understand that petitioners have waived any contention that their rights were violated at this meeting. Nonetheless, for the sake of completeness and because allegations relative to this meeting are included in petitioners' amended complaint and were considered by the court below, respondents submit the following with regard to the Egremont Special Town Meeting of June 21, 2006. *See* Pet. App. at 6a-7a.

On June 21, 2006, at a Special Town Meeting, the Egremont Town Meeting voted to purchase a new fire truck. J.A. 150 at ¶ 20. The petitioners allege that the respondent, Moderator Gage, called for a vote on the proposed purchase after having asked two people to delay their departure because without them there would have been no quorum. J.A. 151 at ¶ 23. Plaintiff, Thomas F. Curnin, alleges that he was therefore denied the opportunity to speak, although there is no allegation that any decision was made to preclude non-voters from speaking or that voters did speak on the issue. *Id.* In short, there is no allegation that any distinction was made between voters and non-voters.

Again, there is no indication in the record that petitioner, Thomas F. Curnin, ever made his desire to speak known to any respondent herein or any Town Meeting member at this meeting or any other. Nor is there any indication in the record that at any of these meetings voters had or were given the opportunity to speak while non-voters were denied such opportunity.

Petitioner, Miriam Curnin, has not attempted to speak at an annual Town Meeting or Special Town Meeting since the mid-1990s, when she spoke at a Town

Meeting despite the then Moderator's refusal to grant her permission to do so. J.A. 165-167. Miriam Curnin has never communicated a desire to speak to any relevant individual and, in fact, testified "You go to a meeting, and if a subject comes up which you wish to say something, that's when you make the decision." J.A. 171.

## REASONS FOR DENYING THE PETITION

### I. This Court Lacks Jurisdiction Over This Matter Because Petitioners Have Not Appealed The Entry Of Judgment In Favor Of Respondents.

The Petition should be denied because this matter has concluded in an un-appealed judgment for the respondents. The denial of petitioners' motion for a preliminary injunction merged with the final judgment dismissing petitioners' case. *See Harper v. Poway Unified School Dist.*, 127 S. Ct. 1484 (2007); *Pacific Tel. & Tel. Co. v. Kuykendall*, 265 U.S. 196, 205-206 (1924); *Shaffer v. Carter*, 252 U.S. 37, 44 (1920); *Chaparro-Febus v. Int'l Longshoremen Assoc., Local 1575*, 983 F.2d 325, 331, n.5 (1st Cir. 1993). This Court lacks jurisdiction over this matter because the petitioners have failed to appeal the entry of judgment. *See U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 25-26 (1994); *Karcher v. May*, 484 U.S. 72, 83 (1987).

Under certain circumstances, a party aggrieved by an interlocutory order may seek to have the judgment below vacated. *See U.S. v. Munsingwear, Inc.*, 340 U.S. 36 (1950). However, petitioners have neither sought vacatur nor is it appropriate here. *See U.S. Bancorp*,

513 U.S. at 22-29; *Karcher*, 484 U.S. at 81-83. "This controversy did not become moot due to circumstances unattributable to any of the parties. The controversy ended when the losing party . . . declined to pursue its appeal." *Karcher*, 484 U.S. at 83. Petitioners' failure to pursue an appeal of the entry of judgment for respondents is fatal to their Petition.

## II. Petitioners Lack Standing.

There is no indication in the record that petitioners or any other non-voters have been barred from speaking at any meeting at which voters were given the opportunity to speak. Petitioner, Miriam Curnin, concedes that she has not attempted to speak at an Egremont Town Meeting since the 1990's and neither petitioner has made a desire to speak known to any respondent herein at any time. Respondents submit that petitioners have failed to meet their burden of establishing any of the three elements of constitutional standing. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-562 (1992).

## III. This Proceeding Does Not Raise A Novel Question Or One Of "Exceptional" Constitutional Importance.

### A. Petitioners Position is in Conflict with Settled Law, which the Court Below Properly Applied.

The court below correctly analyzed the nature of the right asserted, the alleged right to be heard by a legislative body in session. The court of appeals properly treated the Egremont Town Meeting as a legislative body and its analysis is consistent with this Court's

precedent according municipal legislatures and, particularly, legislators full status as such. *See Bogan v. Scott-Harris*, 523 U.S. 44, 48-55 (1998); *Spallone v. United States*, 493 U.S. 265, 279 (1990). *See also Lake Country Estates, Inc. v. Tahoe Regional Planning Agency*, 440 U.S. 391 (1979); *Gravel v. United States*, 408 U.S. 606 (1972); *Tenney v. Brandhove*, 341 U.S. 367 (1951). Without squarely addressing the issue or providing a reasoned basis for doing so, petitioners wish this Court to depart from settled law by treating municipal legislatures differently from other legislative bodies.

The position that the petitioners advance would have far reaching consequences. Petitioners seek the Court's intervention in the legislative process itself. The relief sought is therefore in conflict with this Court's precedent on this issue.

The relief sought would also implicate federalism and separation of powers concerns by placing this Court in the position of overturning a long line of Massachusetts precedent and, effectively, legislating a fundamental shift in the nature and status of a legislative body.

Further, in advancing their position, petitioners mischaracterize the nature of the speech at issue. Petitioners assert that they have a First Amendment right to address the Egremont Town Meeting because it is the legislative arm of the Town of Egremont while at the same time ignoring the legal impact of its status as a legislative body. *See* Petition at pp. 2, 8-12. *See also* M.G.L. c. 4, § 7, cl. 18B; *In re Opinion of the Justices*, 358 Mass. 838, 840 (1971) (Town Meetings are "the

legislative arm of each Massachusetts town"); *Durand v. IDC Bellingham, LLC*, 440 Mass. 45, 51 (2003) (the legislative acts of town meetings "carr[y] a strong presumption of validity"); *Southern New England Conference Assoc. of 7th Day Adventists v. Town of Burlington*, 21 Mass. App. Ct. 701, 708 (1986) ("the vote rejecting the article constitutes the deliberative act of the legislative body. The Court will not set such a vote aside, even if it could be shown . . . that the vote may have been influenced by mistaken beliefs").

Petitioners seek to simply subsume the speech at issue under the general rubric of "political speech." They ignore, however, the status of the Egremont Town Meeting as a legislative body. Petitioners' claim of right fails because a deliberating legislative body is entitled to control its own order of debate. *See Gravel*, 408 U.S. at 625.

### B. The Doctrine of Absolute Legislative Immunity Bars the Imposition of the Relief Sought.

It is indisputable that, "[a]bsolute legislative immunity attaches to all actions taken 'in the sphere of legitimate legislative activity.'" *Bogan*, 523 U.S. at 55, *quoting*, *Tenney*, 341 U.S. at 376. Debate and a legislature's ability to govern debate are unquestionably "integral steps in the legislative process." *Id.* at 55 (citations omitted). *See also Gravel*, 408 U.S. at 616, 625. Legislative immunity applies to the actions of local legislators. *Id.* at 48-54.

The actions of the Moderator in the instant action in setting the order of debate (subject to the will of the

body as a whole) are also protected by absolute legislative immunity. "Whether an act is legislative turns on the nature of the act, rather on the motive or intent of the official performing it." *Id.* at 54. "Officials outside of the legislative branch are entitled to legislative immunity when they perform legislative functions." *Id.* at 55.

Finally, absolute legislative immunity extends to actions seeking injunctive relief and therefore, the Egremont Town Meeting can not be enjoined as requested. *See Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 502 (1975).

## IV. Petitioners Mischaracterize The Decision Below, Seek To Create A Conflict Amongst The Circuits Where None Exists, And Misstate, As A Matter Of Law, The Nature And Extent Of A Moderator's Discretion.

Contrary to petitioners' assertion, the court of appeals did not require evidence of viewpoint discrimination as a precondition to an analysis of petitioners' "unbridled discretion argument." *See* Petition at p. 12. First, the court of appeals rejected petitioners' argument that the Egremont Town Meeting engages in viewpoint discrimination by according different rights to voters (legislators) and non-voters (members of the general public). Pet. App. at 15a. The court of appeals held that the distinction is "entirely content-neutral" and is rational given the time constraints under which the body operates. *Id.*

Next, the court of appeals rejected petitioners' argument that the Moderator enjoys an impermissible level of discretion and, particularly, petitioners' reliance on decisions arising out of the licensing context. *Id.* at 15a-16a. As the court of appeals properly recognized, "These cases are different in kind. They do not involve speech before deliberating legislative bodies." *Id.* at 16a. Petitioners' attempt to manufacture a conflict amongst the circuit courts also fails for this reason.

The court of appeals further recognized that "some measure of discretion is inherent in the role of a moderator." *Id.* Finally, the court of appeals noted that there is no evidence in the instant matter that the Moderator, Egremont Town Meeting, or any other individual or body acting on behalf of the Town of Egremont has, in fact, engaged in viewpoint discrimination. *Id.* By noting that there is a lack of such evidence, the court of appeals did not, contrary to petitioners' argument, purport to require such evidence.

Further, in formulating their argument, petitioners have misstated, as a matter of law, the nature and extent of a moderator's discretion. Though empowered to decide questions of order in the first instance, a moderator acts at all times at the pleasure of the legislative body, which has the ultimate authority to determine how legislative sessions are conducted. *See* M.G.L. c. 39, §§ 15, 17; *MacKeen v. Town of Canton*, 379 Mass. 514, 516 (1980) ("[T]he town meeting, and not the moderator, has the ultimate power to decide how to proceed"). To the extent that the legislative body disapproves of any ruling of the moderator on a question

of order, it has the authority to overrule the moderator while in session and, ultimately, to vote the moderator out of office. *See MacKeen*, 379 Mass. at 516-517. The fact that the petitioners choose not to register to vote in Egremont and, therefore, deny themselves a voice in the procedures adopted by the Egremont Town Meeting and its Moderator does not create a constitutional violation. *See Minnesota State Board for Comm. Colleges v. Knight*, 465 U.S. 271, 289-290 (1984).

## V. The Court Of Appeals Decision Is Consonant With This Court's Precedent And Decisions Of Other Courts Of Appeals - Forum Analysis Is Inapplicable Here.

As the court of appeals recognized, "The Supreme Court has never extended First Amendment forum analysis to a deliberating legislative body or to the body's rules about who may speak." Pet. App. at 11a. The court of appeals correctly rejected the application of forum analysis here. *See* Pet. App. at 10a-12a.

Contrary to petitioners' characterization, this is not a claim of access to either a public forum or a non-public forum. Rather, the right asserted, a government audience for petitioners' views, has been expressly rejected by this Court. *See Knight*, 465 U.S. at 280-282.

> Appellees here make a claim quite different from those made in the non-public forum cases. They do not contend that certain government property has been closed to them for use in communicating with private individuals or public officials not acting as

> such who might be willing to listen to them. Rather, they claim an entitlement to a government audience for their views.

*Id.* at 282.

Petitioners here assume entitlement to an audience for their views based on their status as property owners. However, the petitioners "have no constitutional right to force the government to listen to their views," either as members of the public or as property owners. *Id.* at 283. "The Constitution does not grant to members of the public generally a right to be heard by public bodies making decisions of policy." *Id.* at 283.

> Legislatures throughout the nation, including Congress, frequently enact bills on which no hearings have been held or on which testimony has been received from only a select group. Executive agencies likewise make policy decisions of widespread application without permitting unrestricted public testimony. Public officials at all levels of government daily make policy decisions based only on the advice they decide they need and choose to hear. To recognize a constitutional right to participate directly in government policy making would work a revolution in existing government practices.

*Id.* at 284.

The registered voters of the Town of Egremont sitting as the Town Meeting constitute a legislative body in session and petitioners have no greater right to address that body than they do to be heard by the United States Congress when in session.

The decision of the Supreme Court of the United States in *City of Madison Joint School Dist. No. 8 v. Wisconsin Employment Relations Comm'n.*, 429 U.S. 167 (1976), relied on by the petitioners, is inapposite. The Court's opinion in *City of Madison* turned on the fact that the teachers therein were barred from speaking "during a portion of the meeting devoted to expression of opinion by the public. . . ." *Id.* at 171. *See also id.* at 174-175. That decision is inapplicable to the conduct of a legislative session.

In *Knight*, this Court distinguished the rights at issue in *City of Madison* in a manner which is directly applicable to the instant action:

> The rights at issue in these cases are accordingly wholly unlike those at stake in *City of Madison Joint School District v. Wisconsin Public Employment Relations Comm'n.*, 429 U.S. 167, 97 S. Ct. 421, 50 L.Ed.2d 376 (1976). The Court in that case upheld a claim of access to a public forum, applying standard public forum First Amendment analysis. *See Perry Education Assn. v. Perry Educators' Assn.*, *supra*, at 45, (citing *Madison Joint School District* as an example of a case involving a "forum generally open to the public" for expressive activity).

> The school board meetings at issue there were "opened [as] a forum for direct citizen involvement," 429 U.S. at 175, and "public participation [was] permitted," *id.* at 169. The First Amendment was violated when the meetings were suddenly closed to one segment of the public even though they otherwise remained open for participation by the public at large. These cases, by contrast, involve no selective closure of a generally open forum, and hence any reliance on the *Madison* case would be misplaced.

*Knight*, 465 U.S. at 281 (footnote omitted). Similarly, the instant action does not involve the selective closure of a generally open forum and therefore, the petitioners' reliance on *City of Madison* is misplaced. In fact, the genesis of the petitioners' complaint is the very fact that the Egremont Town Meeting has not opened its sessions to discussion and debate by members of the general public. As set forth above, the Town Meetings at issue have not been opened to the public for discussion and, therefore, no forum has been opened. Contrast, *City of Madison*, 429 U.S. at 174-176.

The petitioners argue that the decision below conflicts with decisions of the United States Courts of Appeals for the Ninth and Tenth Circuits which have applied public forum analysis in other contexts. *See Kindt v. Santa Monica Rent Control Board*, 67 F.3d 266 (9th Cir. 1995); *Mesa v. White*, 197 F.3d 1041, 1043 (10th Cir. 1999). Neither of these case deals with a legislative body and both can be distinguished in that they involved meetings which were opened to the

general public for discussion. *See Kindt*, 67 F.3d at 271-273; *Mesa*, 197 F.3d at 1043 ("Mesa . . . asked to speak during the public comment period of the next commission meeting"). *See also* Pet. App. at 12a.

In *Kindt*, the Ninth Circuit upheld regulations of the defendant Board which limited public commentary to the end of meetings and which set a time limit on comments from the public. *Kindt*, 67 F.3d at 271-273. Nothing in the Ninth Circuit's opinion in *Kindt* intimates that a public body's deliberations are always subject to a public forum analysis or provides support for the application of such an analysis here. *See id.* at 272.

*Mesa* stands for the proposition that a municipal body usually can not pick and choose which members of the public will be allowed to speak at hearings where public comment is allowed. *Mesa*, 197 F.3d at 1044-1047. The *Mesa* court did not hold that a public body's deliberations are always subject to public forum analysis. Rather, a public forum was created when the body at issue intentionally opened a meeting to public comment. *Id.* at 1045.

Here, in addition to the fact that there is no allegation that any non-voter was allowed to speak at any of the meetings at issue, there is no indication that any voter had the opportunity to speak. As such, these cases are inapposite.

## CONCLUSION

Petitioners have not established any compelling reasons for this Court to grant their Petition. Therefore, respondents respectfully request that the Petition be denied.

Respectfully submitted,

NANCY FRANKEL PELLETIER
*Counsel of Record*
DAVID S. LAWLESS
ROBINSON DONOVAN, P.C.
1500 Main Street
Suite 1600
Springfield, MA 01115-5609
(413) 732-2301

*Attorneys for Respondents*